IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE Dr. JUSTICE G.YETHIRAJULU**

**WRIT PETITION No. 16290 of 2004**

Between:

M/s.Gayathri Chemicals, represented by its

Managing Partner, Smt.K.Vimala,W/o.K.V.Reddy,
R/o.Flat No.403, Saraca Sadan, S.R.Nagar, Hyderabad.

**..... PETITIONER**

AND

1 Govt. of A.P. rep.by its Secretary, Finance & Planning Dept., Secretariat, Hyderabad.
2 A.P.Financial Corporation rep.by its Chairman & Managing Director, Chirag Ali

Lane, Hyderabad.
3 The Branch Manager, A.P.State Financial Corporation, Ranga Reddy West Branch,

D.No.5-8-342,Ground Floor, Chirag Ali Lane, Hyderabad.
4 M/s.Antrode Industries rep.by its Partner, A.Kumar, S/o.Late A.Madhava Rao,
R/o.Flat No.007, Kanchanjunga Block, Aditya Enclave, Ameerpet, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent No.3 in interfering with the petitioner's production activities and possession by way of disconnecting the power supply, which is in the seizure property of the respondent No.4 and to seize the Lease premises of the petitioner is in violation of Article 14 is as arbitrary, illegal, unlawful, unconstitutional and against to the principles of natural justice.

**Counsel for the Petitioner: MR.V.VENKATA KUMAR**

**Counsel for the Respondent No.1: GP FOR FINANCIE & PLANNING**

**Counsel for the Respondent Nos.2 and 3: MR.Y.N.LOHITA, SC FOR APSFC**

**Counsel for the Respondent No.4: None appeared**

**The Court at the admission stage made the following:**

**ORDER:**

The petitioner is a lessee of the property of the 4th respondent, which was mortgaged in favour of the 2nd respondent in pursuance of a loan taken by the 4th respondent from the 2nd respondent. The 4th respondent appears to have committed default in repayment of the loan amount as per the terms of the loan. The 4th respondent with the amount borrowed from the 2nd respondent, installed an establishment in one portion of the property in question. In one of the three portions of the property, the petitioner is running a chemical factory.

2. On suspecting that the 2nd respondent is likely to seize the property, the petitioner approached the Civil Court by filing O.S.No.362 of 2004 and also obtained temporary injunction in I.A.No.1122 of 2004. It is an undisputed fact that the injunction order is in force.

3. The petitioner contends that the 2nd respondent is not respecting the order of the temporary injunction granted by the Junior Civil Judge, Medchal and resorted to seize the property. He, therefore, approached this Court through this writ petition, praying for a direction to the 3rd respondent not to interfere with his production activities and possession of the property since the suit filed by him is still pending.

4. If there is any violation of the order of the injunction granted by the Civil Court, the petitioner is at liberty to move the said Court for appropriate action. While maintaining the civil suit, the petitioner is not supposed to approach this Court through this writ petition, and he also could not point out any illegality committed by the respondents 2 and 3, except saying that the respondents 2 and 3 are not respecting the temporary injunction granted by the civil Court.

5. In the light of the above circumstances, the writ petition, at this stage, cannot be maintained. Hence, the Writ Petition is dismissed. The petitioner is at liberty to work out his rights in the civil Court.

**Note:**

**Issue CC by 13.09.2004**

**B/o.**

**dsr**/svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Secretary,

Finance and Planning Department,

Govt. of A.P. Secretariat, Hyderabad.

2. The Chairman and Managing Director

Andhra Pradesh State Financial Corportion,

Chirag Ali Lane, Hyderabad

3. The Branch Manager,

Andhra Pradesh State Financial Corporation,

Ranga Reddy West Branch, D.No.5-8-342,

Ground Floor, Chirag Ali Lane, Hyderabad

4. Two CCs to the Government Pleader for Finance &

Planning, High Court Buildings, Hyderabad (OUT)

5. Two CD copies.